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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,639	01/16/2004	Ayedin Nikazm	16356.834 (DC-05396)	1548
27683 7590 02/06/2008 HAYNES AND BOONE, LLP 901 Main Street Suite 3100 Dallas, TX 75202			EXAMINER ELAMIN, ABDELMONIEM I	
			ART UNIT 2116	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/759,639

Applicant(s)

NIKAZM ET AL.

Examiner

Abdelmoniem Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-13,15,16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-13, 15-16, 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 6-11, 13, 15-16, 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Massie et al, US. Pat. No. 6,144,114 (*cited in PTO 892 mailed on 10/5/2006*).

3. Claims 1, 13 and 24, Massie teaches an information handling system (IHS) [*computer server arrangement, col. 1, lines 10-11*], comprising:

a system board including a processor [*inherent*];

a first battery for supplying power to the system board [*power supply A*];

a second battery for supplying power to the system board [*power supply B*]; and

a switching circuit coupled to the first battery [*Controller C of Fig. 1*], the second battery and the system board [*LOAD LD*], for repeatedly switching between the first battery and the second battery for supplying power to the system board, each battery supplying a peak amount of current for periods of time during which the switching circuit has connected one of the batteries for supplying current while, simultaneously, the other of the batteries supplies no current whereby, in the aggregate, the batteries maintain a continuous supply of peak current to the system [*see Figs. 1 and 2A and related disclosure*];

a first diode coupled in series with the first battery [*Di of Fig. 7, which is part of  $GT_A$  of Fig. 1*], the switching circuit, and the system board, wherein the first diode is located between the switching circuit and the system board, and wherein the first diode prevents reverse flow current from the second battery to the first battery while the second battery is supplying power to the system board [*col. 9, lines 9-11*];

a second diode [*Di of Fig. 7, which is part of  $GT_B$  of Fig. 1*] coupled in series with the second battery, the switching circuit, and the system board, wherein the second diode is located between the switching circuit and the system board, and wherein the second diode prevents reverse flow current from the first battery to the second battery while the first battery is supplying power to the system board;

wherein at no time during operation are both the first and second batteries connected for supplying current [*see timing diagram of Fig. 2A*];

wherein the switching circuit connects the first battery to supply power to the system board during first periods of time [*e.g.,  $t_0$  of Fig. 2A*] alternating with second periods of time during which the switching circuit connects the second battery to supply power to the system board [*e.g.,  $t_1$  of Fig. 2A*]; and

wherein the first time periods are equal in duration to the second time periods [*equal duration of 0.01 msec., see col. 4, lines* ].

4. Claims 3, 15, Massie teaches the peak power that can be drawn from the first battery during the first time periods is greater than the power that the first battery is capable supplying under a continuous load [*because using the battery to power the load all the time wears it out*].

5. Claims 4, 16, Massie teaches the peak power that can be drawn from the second battery during the second time periods is greater than the power that the second battery is capable of supplying under a continuous load [*because using the battery to power the load all the time wears it out*].
6. Claims 6-7, 18-19, Massie teaches the first time periods are greater/shorter in duration than the second time periods [*col. 4, lines 60+, see also the timing diagrams of Figs. 5-6*].
7. Claims 8, 20, Massie teaches the switching circuit includes a field effect transistor (FET) switch [*col. 3, line 29*].
8. Claims 9, 21, Massie teaches the switch operates in response to a switching signal generator [*see, for example, gating signal GS-A signal of Fig. 1*].
9. Claims 10, 22, Massie teaches the switching signal generator exhibits a variable switching frequency [*see controller C of Fig. 1 and related disclosure*].
10. Claims 11, 23, Massie teaches a capacitor coupled to the switching circuit, wherein the capacitor is for stabilizing the voltage supplied to the system board [*see, for example, Capacitor C<sub>A</sub> of Fig. 1*].

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massie et al, US. Pat. No. 6,144,114 (*cited in PTO 892 mailed on 10/5/2006*).

13. Claim 12, Massie fails to teach the IHS is a portable HIS.

However, Examiner asserts that portable HISs are well known in the art. These types of limitations are considered field of use, and are not patentably distinct.

***Response to Arguments***

Applicant's arguments filed on 11/13/2007 have been fully considered but they are not persuasive for the following reasons:

14. **In the remarks, Applicant argues as follows:**

“Massie fails to teach a first diode coupled in series with the first battery ...” [see pages 7-9, REMARKS].

15. **Examiner responses as follows:**

Massie does teach those limitations as discussed in paragraph 3 above of this office action.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdelmoniem Elamin  
Primary Examiner  
Art Unit 2116

January 29, 2008